

Message Text

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16

ACTION L-03

INFO OCT-01 AF-10 EUR-25 ADP-00 IO-12 COA-02 EB-11 OIC-04

CIAE-00 DODE-00 PM-09 H-02 INR-10 NSAE-00 NSC-10

PA-03 RSC-01 PRS-01 SS-15 USIA-12 ACDA-19 AEC-11

AGR-20 CG-00 COME-00 DOTE-00 FMC-04 INT-08 JUSE-00

NSF-04 OMB-01 TRSE-00 SCI-06 CEQ-02 RSR-01 /207 W

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R 101409 Z MAY 73

FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC 1916

INFO AMEMBASSY ADDIS ABABA

AMEMBASSY DAR ES SALAAM

AMEMBASSY KAMPALA

AMEMBASSY LONDON

USMISSION USUN

C O N F I D E N T I A L NAIROBI 3005

E. O. 11652: GDS

TAGS: PBG, XA, OAU, KE

SUBJECT: LOS - OAU MINISTERIAL AND HEADS OF STATE MEETING

REF: STATE 087006

1. SUMMARY: ADEDE, MOFA LEGAL ADVISER HANDLING LOS, DOES NOT FEEL OAU WILL GIVE UNQUALIFIED ENDORSEMENT TO PRINCIPLE OF INNOCENT PASSAGE THROUGH STRAITS. BELIEVES ANY FORMAL U. S. DEMARCHE ON THIS ISSUE AT THIS TIME WOULD BE PREMATURE.

2. BECAUSE NJENGA NOW ASSIGNED PERMANENTLY TO KENYAN UN MISSION, EMBOFF RAISED REFTEL QUESTIONS WITH DR. A. O. ADEDE, MOFA LEGAL ADVISER WHO HANDLES LOS MATTERS FROM THIS END BUT WHO DOES NOT HAVE NJENGA'S POLICY ROLE.

3. ADEDE SAID GOK HAS STILL NOT RECEIVED OAU SECRETARIAT'S
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TEXT OF COMMITTEE OF EXPERTS REPORT, BUT FROM NJENGA' S NOTES ON EXPERTS' MEETING, HE THOUGHT REPORT RECOGNIZED IMPORTANCE OF INTERNATIONAL NAVIGATION THROUGH STRAITS, ENDORSED PRINCIPLE OF INNOCENT PASSAGE BUT AT SAME TIME RECOGNIZED NEED FOR FURTHER PRECISION THAT PRINCIPLE AT LOS MEETING. ADEDE FELT AF EXPERTS HAD SOUGHT MIDDLE GROUND BETWEEN UNCONTROLLED FREE TRANSIT ON ONE HAND AND POLITICAL CONCEPT OF INNOCENT PASSAGE ON OTHER, AN APPROACH NOT ENTIRELY INIMICAL TO CONCEPT OF UNHAMPERED TRANSIT PUT FORWARD BY AMB STEVENSON IN JULY 28, 1972 STATEMENT.

4. ADEDE BELIEVED IT PREMATURE FOR US TO MAKE FORMAL DEMARCHES THIS ISSUE. HE DOUBTED THAT OAU WOULD TAKE FIRMER POSITION ON STRAITS ISSUE THAN EXPERTS REPORT, BUT POINTED OUT THAT US DEMARCHE WOULD RUN RISK OF HARDENING VIEWS.

5. ADEDE ADDED THAT FROM HIS VIEWPOINT IT WOULD BE FOOLISH FOR OAU UNNECESSARILY TO ANTAGONIZE GREAT POWERS ON STRAITS ISSUE AT THIS POINT AND POSSIBLY JEOPARDIZE ENTIRE LOS NEGOTIATION. SAID IF HE GOES TO ADDIS THIS IS POSITION HE WILL PUT FORWARD.

6. DEPT MAY ALSO BE INTERESTED IN ADEDE' S OBSERVATION THAT PERSONAL FRICTION DEVELOPING BETWEEN NJENGA AND D. W. KANIARU, SECOND SECRETARY IN KENYAN UN MISSION WHO ALSO HANDLES LOS MATTERS FOR GOK. LINDSTROM

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*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

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